

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

FRANCES ALICE TINNEY,

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-03628

NANCY A. BERRYHILL,  
Acting Commissioner of Social Security,

Defendant.

**MEMORANDUM OPINION AND ORDER**

On July 18, 2017, the Plaintiff filed her *Complaint* (Document 2) seeking review of the decision of the Social Security Commissioner denying the Plaintiff's application for disability and disability insurance benefits. The Plaintiff's motion/brief for judgment on the pleadings (Documents 10) was filed on October 20, 2017, and the Defendant's motion/brief for judgment on the pleadings (Document 11) was filed on November 20, 2017.

By *Standing Order* (Document 4) entered on July 20, 2017, this action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On July 2, 2018 the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 14) wherein it is recommended that this Court deny the Plaintiff's motion/brief for judgment on the pleadings, grant the Defendant's motion/brief for judgment on


the pleadings, affirm the final decision of the Commissioner, dismiss this action with prejudice, and remove the matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by July 19, 2018.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (holding that districts courts may adopt proposed findings and recommendations without explanation in the absence of objections).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's motion/brief for judgment on the pleadings (Document 10) be **DENIED** and that the Defendant's motion/brief for judgment on the pleadings (Document 11) be **GRANTED**. The Court further **ORDERS** that the final decision of the Commissioner be **AFFIRMED** and that this action be **DISMISSED with prejudice** and **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this *Memorandum Opinion and Order* to Magistrate Judge Eifert, counsel of record, and any unrepresented party.

ENTER: July 23, 2018

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA